

## Remarks

Claims 1-26 are pending in the instant application, claims 1, 21, 24 and 25 are independent claims. Claims 1, 13, 14, 19, 21, 24 and 25 are amended herein for clarification. No new matter is added by these amendments. Claims 1-18 and 21-26 have been rejected and claims 19 and 20 have been objected to, as indicated below.

## ***Allowable Claims***

The office action states that claim 19 and its dependent claim 20 would be allowable if rewritten in independent form, include the limitations of all of the base claim and any intervening claims. Claim 19 depends directly from claim 1 and has been rewritten to include all of the limitations thereof. Accordingly, claim 19 is now believed to be allowable. Claim 20 has not been amended, but depends from claim 19, so is also believed to be allowable.

## ***Objections to Claims***

The office action objects to claims 13 requiring clarification of the phrase "cylindrical body", which lacked antecedent basis, but was not considered indefinite. Also, an extraneous space prior to the period in claim 14 was objected to. Appropriate amendments have been made.

## ***Rejections Under 35 USC. §102***

Claims 1, 9, 12-14, 21, and 23 have been rejected under §102(b) as being anticipated by US Patent Number 3,156,028 to Weiss et al ("Weiss"). The Office Action asserts that

Weiss discloses as air heater comprising a "heater core" (inner tube) with electrical heating coil, a "heat chamber" 21 within the heater core, an "air conduit" 13a surrounding an outer surface of the heater core and communicating with the "heat chamber" such that injection of air does not contact the heating coils. See Figs. 1 and 2.

Weiss provides a system for crimping yarn. A thermoplastic yarn 11 is fed axially by a pair of rollers to a yarn feeding tube 21 which is jacketed with a heating coil 14, which is surrounded by an outer jacket 13 (See Weiss. FIG. 1 & 2). Air is introduced to an opening 15 and flows through an annular passageway 13a and then axially through the feeding tube 21 and along the length of the heating coil 14. As the air passes through the feeding tube 21 it is heated,

which pastifies and propels the yarn within the feeding tube and out a nozzle 18 onto a wire mesh screen mounted to a rotating drum. (Weiss, col. 3, lines 3-31; FIG. 1; FIG. 2)

Claim 1 has been amended for clarification to clarify the isolated air transport path element. As amended, it is clear that the invention as presented in claim 1 is structurally different from the system for crimping yarn shown in Weiss. First, as is evident from FIG. 1 of Weiss, Weiss does not include an *isolated air transport path* as required by claim 1. For example, the Office Action likens the feeding tube 21 of Weiss to the heat chamber of claim 1, which forms part of the isolated air transport path of claim 1. Weiss's feeding tube 21 includes an opening to receive yarn; this opening causes the feeding tube 21 to be structurally incapable of providing a truly isolated air transport path. Rather, the opening in Weiss provides an opportunity for external contaminants to be introduced within feeding tube 21, resulting in the immersion of the yarn in contaminated air within the feeding tube. This is specifically avoided by the heater of claim 1, which maintains the air within the isolated air transport path.

Second, in Weiss the object to be heated (i.e., yarn) travels through feeding tube 21, which, as mentioned, is likened in the Office Action to the heat chamber of the present invention. However, it would not be advantageous in the present invention to run the item to be heated (e.g., an optical fiber) down the center of the heat chamber, thereby potentially heating/ stripping the entire item. Rather, the heater of claim 1 is configured to direct bursts of hot air to a selected portion of an item. Weiss's feeding tube does not allow for directing burst of heated air selectively at an object but rather immerses the object in heat, so its feeding tube is not analogous to the heat chamber of claim 1.

For these various reasons, the Applicant believes that amended claim 1 is not anticipated by Weiss. For these same reasons, claims 9 and 12-14, which all depend from claim 1, are also believed patentable over Weiss.

Claim 21 has been amended similarly to claim 1, so is also believed to be not anticipated by Weiss, as is its' dependent claim 23.

### ***Rejections Under 35 USC. §103***

Claims 2, 3, 17 and 22 were rejected under 35 USC §103 in view of Weiss and US Patent No. 6,244,323 to Miller ("Miller") and claims 4 and 18 have been rejected in view of Weiss and US Patent No. 3,156,028 to Fortune ("Fortune"). Claims 6-8 have been rejected in view of

Weiss and IT431255. Claims 24-26 have been rejected in view of Weiss and Miller and US Patent No. 5,196,667 to Gammelin ("Gammelin"). Claim 15 has been rejected in view of Weiss and US Patent No. 1,949,658 to Remesth et al ("Remesth"). Claims 5 and 10 have been rejected in view of Weiss and IT431255 and Remesth. Claim 11 has been rejected in view of Weiss and SU1009405. Claim 16 has been rejected in view of Weiss and US Patent No. 6,437,292 to Sikka et al ("Sikka").

Claims 2-8, 10, 11, and 15-18 depend from claim 1. Therefore, for reasons put forth above with respect to claim 1, these dependent claims are believed to be patentable.

Claim 24 has been amended similarly to claim 1, to clarify the isolated transport path. Accordingly, for reasons set forth above with respect to claim 1, claim 24 is believed to be patentable over the cited references.

Claim 25 has been amended similarly to claim 1, to clarify the isolated transport path. Accordingly, for reasons set forth above with respect to claim 1, claim 25 and its dependent claim 26 are believed to be patentable over the cited references.

### ***Double Patenting***

In addition to the rejections under §102 and §103, claims 1-3, 11 and 21-26 were rejected under the non-statutory doctrine of Obviousness-Type Double Patenting as being unpatentable over claims 1-12 of commonly owned patent U.S. Pat. No. 6,402,856 (" '856 patent"). Claims 1-12 of the '856 patent are directed to a fiber optic stripper. The instant claims are directed to a heater, which is not limited to fiber optic stripping applications. The Office Action acknowledges that the instant claims are broader in scope than the claims of the '856 patent. To overcome this rejection, a Terminal Disclaimer is submitted herewith.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R.

§1.16 and §1.17 that may be required, or credit any overpayment, to our Deposit Account No. 50-1133.

Respectfully submitted,



David M. Mello, Reg. No. 43,799

McDermott, Will & Emery

28 State Street

Boston, MA 02109

Tel (617) 535-4037

Fax (617) 535-3800

E: dmello@mwe.com

Date: July 23, 2003